

Message Text

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11

ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 EA-07 INT-05 FEA-01 ACDA-07

AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /120 W

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TO SECSTATE WASHDC 7063

CINCPACREP GUAM UNN

C O N F I D E N T I A L USUN 1721

DEPT PLEASE PASS DOTA AND OMSN

CINCPACREP GUAM PLEASE PASS HICOM AND STATUS LNO

E.O. 11652: GDS

TAGS: PFOR, PLOS, TQ

SUBJ: LOS DELEGATION VIEWS ON CONTRACTING PARTY STATUS

MICRONESIAN

1. ON APRIL 21 MICRONESIAN DELEGATES (OBSERVERS) TO LOS CONFERENCE, CONGRESSMAN CHARLES DOMINICK (MARSHALLS), SPECIAL CONSULTANT ANDON AMARAICH (TRUK) AND THEIR US ATTORNEY CHARLES WYLE CALLED ON LOS DELEGATION DEPUTY CHAIRMAN OXMAN AND MISOFF TO DISCUSS MICRONESIAN REQUEST FOR CONTRACTING PARTY STATUS TO LOS TREATY. LATER, JOINED BY CONGRESSMAN RACIO MOSES (PONAPE), THEY CALLED ON AMB WHITE TO DISCUSS THE SAME SUBJECT.

2. WYLE FIRST REFERRED TO SIXTH CONGRESS OF MICRONESIA (COM)

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JOINT RES 6-180 ON OWNERSHIP AND CONTROL OF RESOURCES

WITHIN MICRONESIA MARINE SPACE WHICH STATES INTER ALIA
THAT:

1) THE ELECTED REPRESENTATIVES OF MICRONESIA HAVE THE SOLE
AUTHORITY TO EXERVISE AND DISPOSE OF MICRONESIAN LAND AND
SEA RESOURVES, 2) MICRONESIA SHOULD BE A SIGNATORY AND
CONTRACTING PARTY IN ITS OWN RIGHT AND NAME TO ALL LOS
CONVENTIONS, 3) MCRONESIA SHOULD REPRESENT ITSELF IN ALL
INTERNATIONAL NEGOTIATIONS RESPECTING SEA RESOURCE RIGHTS AND
THAT 4) MICRONESIA WONT BE BOUND BY AN AGREEMENT OR TREATY
NOT EXPRESSLY APPROVED BY THE COM. HE ADDED THAT HE WAS
UNDER AN OBLIGATION TO TRANSMIT THE COM RESOLUTION TO THE
LOS CONFERENCE UNDER COVER OF A LETTER REQUESTING
CONTRACTING PARTY STATUS.

3. WYLE EMPHASIZED MICRONESIA'S NEED FOR CONTRACTING PARTY
STATUS. SUCH STATUS IS NECESSARY BECAUSE THE US IS NOT IN
A POSITION TO TREAT MICRONESIAN LOS INTERESTS AS
"PARAMOUNT." THE DELEGATION OF HIGHLY MIGRATORY SPECIES
FROM THE MAGNUSON BILL SEVERELY LIMITED WHAT THE US CAN DO
CONCERNING MICRONESIA'S MOST IMPORTANT ASSET, TUNA, AS
WELL AS THE ABILITY OF OTHER STATES TO ENTER INTO OBLIGATIONS
ON TUNA. THIS "LEGAL VACUUM" CONCERNING HIGHLY MIGRATORY
SPECIES MEANS THAT UNLESS MICRONESIA IS A
CONTRACTING PARTY TO THE LOS TREATY IT WILL HAVE NO MEANS
AVAILABLE TO EITHER ASSERT ITS RIGHTS OR CARRY OUT ITS
OBLIGATIONS RELATED TO HIGHLY MIGRATORY SPECIES. IT IS NOT
THE INTENTION OF MICRONESIA TO INTERFERE WITH US MILITARY
PREROGATIVES IN MICRONESIA BY THIS ASSERTION OF ITS CONTROL
OVER ITS MARINE RESOURCES.

4. WYLE SAID HE UNDERSTOOD THAT NEW ZEALAND IS IN ACCORD
WITH GRANTING CONTRACTING PARTY STATUS TO THE COOK ISLANDS
AND NIUE AND THAT THE UK AND NETHERLANDS WOULD PROBABLY
BE WILLING TO DO THE SAME FOR THE ASSOCIATED CARIBBEAN
STATES AND NETHERLANDS ANTILLES RESPECTIVELY.

5. OXMAN WONDERED WHY THIS QUESTION NEED BE BROUGHT UP
AT THIS TIME AND WONDERED IF IT COULDNT BE SUCCESSFULLY
DEALT WITH BY US CONGRESSIONAL ENABLING LEGISLATION.
WYLE RESPONDED THAT THE NZ POSITON ON CONTRACTING PARTY
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STATUS WOULD RAISE THE QUESTION AT THE LOS CONFERENCE
AND THAT THE COM RESOLUTION LEFT HIM NO CHOICE BUT TO
PURSUE THE MATTER. OXMAN SAID THAT HE WAS NOT IN A POSITION
TO REPLY AT THIS TIME.

6. WYLE ADDED THAT COM REPRESENTATIVES WOULD BE ASKING THE
TRUSTEESHIP COUNCIL FOR HELP ON THIS MATTER DURING THE
43RD SESSION OF THE TC IN LATE JUNE. BOTH OXMAN AND AMB WHITE

EMPHASIZED THAT THE US HAS NO DESIGNS ON MICRONESIAN RESOURCES. MICRONESIAN DELEGATION ASKED AMB WHITE FOR HER ASSISTANCE IN BRINGING THE QUESTION OF CONTRACTING PARTY STATUS TO A MUTUALLY SATISFACTORY CONCLUSION.

7. WYLE PROMISED TO PROVIDE A DETAILED WRITTEN STATEMENT OF HIS VIEWS WHICH WE WILL TRANSMIT TO THE DEPARTMENT. IN ADDITION, WE HAVE POUCHED COPIES OF A LETTER FROM THE MICRONESIAN LOS DELEGATION TO UN VISITING MISSION CHAIRMAN JAMES MURRAY, WHICH LAYS OUT MICRONESIAN VIEWS ON RELATED LOS QUESTIONS IN SOME DETAIL, TO MACUK (IO/UNP) AND STATUS LNO.

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